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February 24, 2023

By ECF

Honorable Gregory H. Woods
United States District Judge
Southern District of New York
500 Pearl Street, Room 2260
New York, New York 10007

Re: *United States v. Ethan Phelan Melzer*, S1 20 Cr. 314 (GHW)

Dear Judge Woods:

As counsel to Ethan Melzer, we write in response to the Court's order at ECF No. 160. We maintain objections to the following statements of fact in the PSR:

Statement of fact	Basis for objection
"ETHAN PHELAN MELZER became a follower of O9A before he started his military training. MELZER's own statements link his membership in O9A to his first 'insight role' for the organization, which involved gang- and narcotics-related activities beginning in 2016." ¶ 18:1–4.	Ethan Melzer enlisted in the military in 2018, before he became a follower of O9A. He began researching and then following O9A in February 2019. ¹ He did not perform "insight roles" for O9A beginning in 2016. Any criminal activity on his part prior to 2019 was not pursuant to an insight role and had nothing to do with O9A. While he does not deny making the contrary statements attributed to him throughout the PSR, those statements were bluster designed to overstate his experience with and knowledge of O9A in order to impress his fellow chat participants.

¹ To the extent the quoted language from the PSR intends to communicate that Ethan became a follower of O9A prior to beginning military basic training at Fort Benning, Georgia, in June 2019, we do not object. But we do object to the extent the quoted language intends to communicate that he was a follower of O9A at the time he enlisted in the Army in 2018.

Honorable Gregory H. Woods
United States District Judge

February 24, 2023
Page | 2

Re: United States v. Ethan Phelan Melzer
S1 20 Cr. 314 (GHW)

<p>“MELZER affirmed that his gang and drug activity was not only an insight role, but also constituted ‘sinister deeds’ directly connected to his self-initiation into O9A, writing, ‘Well we’ve talked about it a little but first actual insight role was being a runner for some bhbs when I was younger. That was about 4-5 years.’” ¶ 20:12–16.</p>	<p>Ethan does not deny making the statements attributed to him in this paragraph, but does deny that any criminal activity on his part prior to 2019 was pursuant to an O9A insight role.</p>
<p>“MELZER also told Witness-1 that in 2015 or 2016, MELZER committed a robbery of an individual (‘Victim-2’) in the street, and shot Victim-2 (‘Shooting-2’) because Victim-2 refused to provide his wallet.” ¶ 23 n.7:1–2.</p>	<p>Ethan denies committing Shooting-2 and denies telling Witness-1 that he did commit the shooting.</p>
<p>“On May 26, 2020, MELZER also told CC-1 that following the gang- and drug-related insight role activity described above culminating in the 2017 shooting he had performed another ‘insight role,’ writing, ‘even though I didn’t actually go even a full 6 months I trained with some antifa faggots but they were insufferable.’” ¶ 24:1–5.</p>	<p>Ethan does not deny making these statements to CC-1, but does deny (1) that the 2017 shooting discussed in ¶ 21 was actually pursuant to an O9A insight role and (2) that he trained or was affiliated with Antifa at any time, as part of an insight role or in any other capacity.</p>
<p>“In 2018, MELZER enrolled in the U.S. Department of Labor’s Job Corps program, and at that time researched O9A and its American affiliate, the Temple [sic] ov Blood.” ¶ 25:1–2.</p>	<p>Ethan joined Job Corps in 2018, but did not begin researching O9A and Tempel ov Blood until February 2019.</p>
<p>“MELZER enlisted with the U.S. Army in December 2018 in pursuit of O9A’s violent objectives.” ¶ 26:1–2.</p>	<p>Ethan enlisted in the Army in 2018, prior to his researching O9A in February 2019. His decision to enlist had nothing to do with O9A.</p>

Honorable Gregory H. Woods
United States District Judge

February 24, 2023

Page | 3

Re: United States v. Ethan Phelan Melzer
S1 20 Cr. 314 (GHW)

Respectfully submitted,

/s/ Jonathan Marvinny

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cc: Government counsel